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18 UNITED BEHAVIORAL HEALTH

19 UNITED STATES DISTRICT COURT  
20 NORTHERN DISTRICT OF CALIFORNIA  
21 SAN FRANCISCO DIVISION

22 **DAVID WIT et al.,**  
23 Plaintiffs,  
24 v.  
25 **UNITED BEHAVIORAL HEALTH,**  
26 Defendant.

Case No. 14-cv-02346 JCS  
Related Case No. 14-cv-05337 JCS

**STIPULATION AND ~~{PROPOSED}~~ ORDER  
REGARDING AMENDMENT OF DATE  
LIMITATION OF *ALEXANDER*  
GUIDELINE CLASS DEFINITION**

[Civil L.Rs. 6-1, 16-2(e)]

1   **GARY ALEXANDER et al.,**  
2    Plaintiffs,  
3       v.  
4   **UNITED BEHAVIORAL HEALTH,**  
5    Defendant.

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**STIPULATION**

Consistent with Civil Local Rules 6-1(b) and 7-12, the parties in the above-captioned cases stipulate as follows to amend the date limitation in the *Alexander* Guideline Class definition:

**WHEREAS** Plaintiffs David Wit, Natasha Wit, and Brian Muir filed a putative class action complaint against Defendants United Healthcare Insurance Company and United Behavioral Health (“UBH”) on May 21, 2014 (“the *Wit* lawsuit”);

**WHEREAS** Plaintiffs Gary Alexander, Corinna Klein, and David Haffner filed a putative class action complaint against Defendant UBH on December 4, 2014 (“the *Alexander* lawsuit”);

**WHEREAS** the Court granted Plaintiffs’ motion to relate the *Wit* lawsuit and the *Alexander* lawsuit on January 22, 2015;

**WHEREAS** the Court granted Plaintiffs’ motion for class certification on September 19, 2016;

**WHEREAS** the Court approved the parties’ stipulation regarding class notice on April 3, 2017, including a proposed class notice incorporating the following definition for the *Alexander* Guideline Class:

Any member of a health benefit plan governed by ERISA whose request for coverage of outpatient or intensive outpatient services for a mental illness or substance use disorder was denied by UBH, in whole or in part, between May 22, 2011 and June 1, 2017, based upon UBH’s Level of Care Guidelines or UBH’s Coverage Determination Guidelines.

The *Alexander* Guideline Class excludes any member of a fully insured plan governed by both ERISA and the state law of Connecticut, Illinois, Rhode Island or Texas, whose request for coverage of intensive outpatient treatment or outpatient treatment related to a substance use disorder.;

and

1           **WHEREAS** under the applicable statute of limitations the *Alexander* Guideline Class  
2 definition should be changed as follows:

3           Any member of a health benefit plan governed by ERISA whose request for  
4 coverage of outpatient or intensive outpatient services for a mental illness or  
5 substance use disorder was denied by UBH, in whole or in part, between ~~May 22,~~  
6 ~~2011~~ December 4, 2011 and June 1, 2017, based upon UBH's Level of Care  
7 Guidelines or UBH's Coverage Determination Guidelines.

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9           The *Alexander* Guideline Class excludes any member of a fully insured plan  
10 governed by both ERISA and the state law of Connecticut, Illinois, Rhode Island  
11 or Texas, whose request for coverage of intensive outpatient treatment or  
12 outpatient treatment related to a substance use disorder.;

13  
14           **THE PARTIES HEREBY STIPULATE AND AGREE** that, subject to the Court's  
15 approval:

16           The *Alexander* Guideline Class definition shall now be for all purposes, including for  
17 purposes of class notification, as follows:

18           Any member of a health benefit plan governed by ERISA whose request for  
19 coverage of outpatient or intensive outpatient services for a mental illness or  
20 substance use disorder was denied by UBH, in whole or in part, between  
21 December 4, 2011 and June 1, 2017, based upon UBH's Level of Care Guidelines  
22 or UBH's Coverage Determination Guidelines.

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24           The *Alexander* Guideline Class excludes any member of a fully insured plan  
25 governed by both ERISA and the state law of Connecticut, Illinois, Rhode Island  
26 or Texas, whose request for coverage of intensive outpatient treatment or  
27 outpatient treatment related to a substance use disorder.

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Dated: June 5, 2017

**CROWELL & MORING LLP**

/s/ Jennifer S. Romano

Jennifer S. Romano

Attorneys for UNITED BEHAVIORAL HEALTH

Dated: June 5, 2017

**ZUCKERMAN SPAEDER LLP**

/s/ Caroline E. Reynolds

Caroline E. Reynolds

Attorneys for CLASS PLAINTIFFS

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**ATTESTATION**

Consistent with Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence  
in the filing of this document has been obtained from the other signatory.

Dated: June 5, 2017

**CROWELL & MORING LLP**

/s/ Jennifer S. Romano

Jennifer S. Romano

Attorneys for UNITED BEHAVIORAL HEALTH

1 ~~[PROPOSED]~~ ORDER

2 Consistent with the parties' June 5, 2017 stipulation, the Court hereby ORDERS that the  
3 *Alexander* Guideline Class Definition shall be amended for all purposes in this litigation as  
4 follows:

5 Any member of a health benefit plan governed by ERISA whose request for  
6 coverage of outpatient or intensive outpatient services for a mental illness or  
7 substance use disorder was denied by UBH, in whole or in part, between  
8 December 4, 2011 and June 1, 2017, based upon UBH's Level of Care Guidelines  
9 or UBH's Coverage Determination Guidelines.

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11 The *Alexander* Guideline Class excludes any member of a fully insured plan  
12 governed by both ERISA and the state law of Connecticut, Illinois, Rhode Island  
13 or Texas, whose request for coverage of intensive outpatient treatment or  
14 outpatient treatment related to a substance use disorder.

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16 Dated: June 8, 2018

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18 Honorable Joseph C. Spero

19 Chief United States Magistrate Judge  
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